IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Bail Appl..No. 6383 of 2007()

CRIME NO. 563/07 OF MALA POLICE STATION
CRMP.13476/2007 of J.M.F.C.,CHALAKUDY

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PETITIONERS/ACCUSED 1 TO 4

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1. SUBRAMANIAN, AGED 37,
S/O. KANDANKORAN,PEEDAKKERY HOUSE,
KEZHUPADAM DESOM,PUTHENVELIKKARA VILLAGE,
ERNAKULAM DIST.

2. SHAJI, AGED 34,S/O.KANDANKORAN,
PEEDAKKERY HOUSE,KEZHUPADAM DESOM,
PUTHENVELIKKARA VILLAGE,ERNAKULAM DIST.

3. SUNIL, AGED 30,S/O.SIKUMARAN,
THYKKUTTATHIL HOUSE,
PUTHENVELIKKARA VILLAGE,ERNAKULAM DIST.

4. LAZAR, AGED 58,S/O.CHEEKKUMA,KONNATH
HOUSE,PUTHENVELIKKARA VILLAGE,ERNAKULAM DIST.

BY ADV. SRI.M.H.HANIL KUMAR

RESPONDENTS: COMPLAINANT/STATE

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1. SUB INSPECTOR OF POLICE
MALA POLICE STATION, THRISSUR -DIST
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA , ERNAKULAM,
COCHIN 682031.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR HIGH COURT OF KERALA
ERNAKULAM COCHIN 682031.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6383 of 2007

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Dated this the 10th day of December, 2007

O R D E R

Application for regular bail. The petitioners are accused 1 to 4. Altogether there are four accused persons. They were allegedly found transporting contraband arrack. 70 litres of arrack was seized from the vehicle. Investigation continued. 5 litres of arrack, 25 kgs. of jaggery, 500 litres of wash and 5 kgs. of ammonia were later recovered on the basis of the confession statement of the accused persons. They were intercepted and arrested on 17.11.2007. Investigation is in progress. They continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are innocent. They, who have remained in custody from 17.11.2007, may be enlarged on bail now or with effect from a future date, prays the counsel.

3. The learned Prosecutor opposes the application. He submits that the nature of the allegations and the nature and

quantity of the contraband article seized must convey to the court that more time must be granted to the Investigators to complete the investigation. The State opposes the application, submits the learned Prosecutor.

4. I have considered all the relevant inputs. In the wake of opposition by the Public Prosecutor regular bail can be granted to the petitioner only if this court is in a position to entertain both the satisfactions contemplated under Section 41A of the Kerala Abkari Act. In the facts and circumstances of this case, I am unable to entertain either of those satisfactions. I am, in these circumstances, satisfied that this petition only deserves to be dismissed.

5. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioners shall be at liberty to move the court for bail again at a later stage of the investigation, not at any rate, prior to 24.12.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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